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9 Attorneys for Defendants
 10 MARRIOTT INTERNATIONAL, INC.
 11 (Erroneously sued herein as Marriott of San
 12 Francisco) and SAM SNOWDEN

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 RICHARD E. WILMSHURST,
 17 Plaintiff,
 18 v.
 19 MARRIOTT OF SAN FRANCISCO, SAM
 20 SNOWDEN, IGNATIUS CHINN,
 21 WILLIAM LOCKYER, BLAKE
 22 GRAHAM, LEE CAREAGA, JOHN
 23 MARSH, and KISU YO AND DOES 1
 24 through 100,
 25 Defendants.

26 Case No. C-07-03790 WHA

27 **NOTICE OF MOTION AND MOTION OF
 28 DEFENDANTS MARRIOTT
 INTERNATIONAL, INC. AND SAM
 SNOWDEN IN SUPPORT OF MOTION TO
 DISMISS PURSUANT TO FRCP 12(b)(5)
 and 12(b)(6)**

Date: January 17, 2008
 Time: 8:00 a.m.
 Courtroom: 9
 Judge: Hon. William H. Alsup

29 TO PLAINTIFF IN PROPRIA PERSONA:

30 PLEASE TAKE NOTICE that at the date, time, and place set forth above defendants
 31 Marriott International, Inc. (erroneously sued herein as Marriott of San Francisco) and Sam
 32 Snowden will move the Court to dismiss the complaint filed in this action pursuant to Federal
 33 Rule of Civil Procedure 12(b)(5) on the grounds that Plaintiff failed to serve summons and
 34 complaint on defendant within 120 days of the filing of the instant action as required by Federal
 35 Rule of Civil Procedure 4(m) and pursuant to Federal Rule of Civil Procedure 12(b)(6) on the
 36 grounds that each of the claims are barred by the applicable statute of limitations and on the
 37 further ground that the complaint fails to state facts sufficient to constitute a cause of action.
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1 This Motion is based on this Notice and Motion, the Memorandum of Points and
2 Authorities filed herewith, the Declaration of GayLynn Conant, the pleadings and papers filed
3 herein, and on such other matters as may be brought to the attention of the Court and the parties at
4 or before the hearing on this Motion.

5 Dated: December 6, 2007

LOMBARDI, LOPER & CONANT, LLP

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7 By: /s/ GayLynn Kirn Conant

8 GAYLYNN KIRN CONANT

9 Attorneys for Defendants

10 MARRIOTT INTERNATIONAL, INC.

11 (Erroneously sued herein as Marriott of
12 San Francisco) and SAM SNOWDEN